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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,765	10/16/2001	Alan J. Janicek	03DV09036	9909

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EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,765

Applicant(s)

Janicek et al.

Examiner

Karl Easthom

Art Unit

2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 31, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above, claim(s) 11-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, it is not clear if a "positive temperature coefficient of resistance resistor overload device" requires a resistor or a positive temperature coefficient of resistance resistor" to satisfy the claims since "device" could simply mean a housing that could house such a resistor, for example. That is, the claim appears to reasonably support either interpretation of a housing or a housing with such a resistor, rendering the metes and bounds unclear. It is also not clear what the term "overload" requires. In claim 10 it is not clear how the terminal and plate can be attached and removed at the same time.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukuda '233 (hereinafter Fukuda).. Fukuda discloses the claimed invention at Fig. 4 with plug 41 having female conductive element 7, wire 5, overload device body 10 having a socket therein, one male terminal 3 therein and a plate such as the bent part connected to wires 1,2 as seen at Fig. 4 attached to each terminal, with protrusion 17 (see Fig. 1) protruding outwardly from the body 10

in a plane parallel to the top of the device. No resistor is claimed. In claim 5, there is isolation because the plug is insulated.

5. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Aoyama et al. Aoyama discloses the claimed invention at Fig. 1 with female plug having female conductive element 16, wire 12, overload device body 23 having a socket therein, one male terminal 29 therein and a plug as seen at Fig. 5 attached to each terminal, with protrusion 21 protruding outwardly from the body 25 (when the plug and socket are connected) as seen at Fig. 6. Or as an alternative, the element 25 protrudes outwardly from the body of the device as seen in Fig. 4, where the body is seen at Fig. 4 and is the part whence 25 emanates (to the left of where the line from 24 points). As another alternative, the protrusion of 25 occurs at bending of 25 as seen at Fig. 16. In claim 5, the plug, being insulative, is isolated from all other conductive parts.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 and 10 are rejected under 35 U.S.C. 103 as being obvious over Reddy et al. in view of Samejima et al. Reddy discloses, except the wire as claimed, the claimed invention at Fig. 1 and Fig. 14. Fig. 14 of Reddy discloses a wire in schematic format, and the female plug 58 for connecting thereto in order to connect the PTC element 10 to a load circuit, see col. 8, lines 50-55, claim 1, and Fig. 14. The protrusion is 54. In claim 10, there is a cutting at col. 6,

lines 45-55 to make the plates 6c, so that the metal plate has a cut meeting the claim. In claim 2, a capacitor is disclosed at Fig. 14 connected to the device so that it would have been obvious to employ the male female terminals for such a connection where same are disclosed. In claims 3-4, the tab 13 and locking arm 12 are disclosed by Samejima for having a good restoring force at col. 1, similar to that of Reddy. In claim 5, the plug is isolated as an insulator. The wire is disclosed at Samejima at col. 1, lines 5-10, as connected to the female socket, and additionally at col. 4, lines 1-10, the wire is implied as emanating therefrom since the device is a conventional connector. It would have been obvious to employ the wires as emanating from either of the male or female sides of the Reddy device, where this is a standard connection, for the purpose of using the device in one or more circuits.

8. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama et al. or Fukuda, in view of Samejima et al. Aoyama or Fukuda disclose the invention as noted above except the flexible arm on the plug and tab on the body. Samejima discloses putting the tap 13a on a body 5 and the locking arm on the plug 7 at Fig. 4, which is a mere reversal of the device of Aoyama et al., so that it would have been obvious to interchange the tab and locking arm for the purpose of secure locking. Note that In Re Gazdam 104 USPQ 400(CCPA 1963) held that a mere reversal of parts is obvious.

9. Claims 1 and 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Corona, Fukuda et al. (for claims 1 and 5-6) or Samejima et al. (for claims 1 and 3-6) The claimed invention is disclosed is disclosed at Fig. 1 except the female plug and wire. For claims 1 and 5-6, the protrusion is the part 60 for example at Fig. 5 parallel to the top of the

housing 20. The overload device is 20 with socket 27 having male terminal 21 therein. The plate is the bent part at the end of 21, see fig. 4. In claim 5, the socket 47 is isolated from the resistors since it is an insulator. In claim 6, there are two sockets for the male terminals 41 and 42, neither of which is exactly the same size due to machine tolerances, or it would have been obvious to render different sizes in order to relax standards to make the device. For claims 1 and 3-6, either of Corona, Fukada et al., or Samejima et al. disclose employing female plugs 12 with wires 38 at Fig. 1; 12 at Fig. 1B (wires shown), or 3 at Fig. 11, respectively, for joining the device to male plugs such as that of Segler. For claims 3-4 the protrusion and flexible arm are not disclosed by Fabricius, but are disclosed by Samejima et al. as 13 and 11a, useful for the purpose of securing a connection, such that such a modification would have been obvious to employ such a connection where the device of Fabricius has a socket begging for a female connection such as that in Samejima.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius in view of Corona, Fukada et al., or Samejima et al., as applied to claims above, further in view of admitted prior art. The claimed invention is as noted above except the capacitor. Such is admitted at Fig. 1 of applicant's specification as typical for motor controllers such as the device of Fabricius so that it would have been obvious to control the transients in the motor control or to control the RC time constant.

11. Claims 1 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segler in view of Corona, Fukada, or Samejima et al. The claimed invention is disclosed, except the female plug and wires, at Fig. 2 with a positive temperature coefficient of resistance resistor 192a

(col. 9, lines 35-45, and plates 240, 240a, secured by soldering (col. 7, lines 14-21) to male terminals 135, 135a, and with any of the claimed protrusions at 38 or 46 or 34 in the body at Fig.

2. For claims 8-9, welding, soldering and other attachment means are disclosed at col. 1 as a way of attaching terminals to plate type leads such as that of 240a, so that it would have been obvious to employ an adhesive where a soldering is actually a type of adhesive bonding or adhesive bonding types are well known in the electrical arts for securing terminals. In claim 10, the plate 190 is cut at the ends in order to make it so that there is no distinction seen in the claimed language, since in the end, only a plate exists in the claim having a cut mark somewhere.

Either of Corona, Fukada, or Samejima et al. disclose employing female plugs 12 with wires 38 at Fig. 1; 12 at Fig. 1B (wires shown), or 3 at Fig. 11, respectively, for joining the device to male plugs such as that of Segler. It would have been obvious to employ such a connection where the device 3 of Segler has a male socket begging for a female connection such as that in the art.


12. Applicant's arguments filed 3/31/03 have been fully considered but they are moot or persuasive only in part.. Applicant argues the claims are clear, but does not answer as to whether a resistor is required, or how the term "overload" restricts the claim, if at all. As to Reddy, the arguments are persuasive but moot. As to Fabricius and Segler, applicant argues that the female plug is not disclosed or suggested. This is not correct as to the latter, for the male socket begs for a female plug. The body with a socket and protrusions are identified above. Applicant argues that the secondary references have no disclosure for use in the positive temperature coefficient of resistance over load fields. This assertion is too narrow. The field is the field of connecting a male to a female plug where the primary references disclose sockets begging for

plugs, as noted. Further, it is not clear if the claims are even restricted to the field alleged as noted above.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl Easthom whose telephone number is (703)308-3306. The examiner can normally be reached on M-Th. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad, can be reached on (703)308-7619. The fax phone number for the organization where this application or proceeding is assigned is (703)308-7722. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


KARL D. EASTHOM
PRIMARY EXAMINER